

1 SAMUEL J. STEINER  
2 U.S. Bankruptcy Judge  
3 700 Stewart Street  
4 Seattle, WA 98101  
5  
6 (206) 370-5300

7 IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
8 WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

9 In re ) NO. 08-12687  
10 )  
11 AUBURN ACE HOLDINGS, LLC, ) Chapter 11  
12 )  
13 Debtor. ) MEMORANDUM ON MOTION  
14 FOR RECONSIDERATION

15 This matter is before the Court on the motion of Ben Errez and Plan  
16 B Development, LLC, for reconsideration of the Court's oral refusal to  
17 extend the time to respond to the debtor's motion for relief from the  
18 automatic stay to Permit Entry of the Arbitration Award.

19 The record and history of this matter shows that the debtor filed  
20 its motion for relief from the stay on July 22, 2008; that it was  
21 properly served; that the response date was August 15, 2008; that no  
22 response was filed; that pursuant to Local Bankruptcy Rule 9013(f), on  
23 August 20, 2008, the debtor presented a Declaration of No Response and a  
24 proposed order; and that the order granting the debtor's motion was  
25 entered on that day.

26 Then on August 22, 2008, at the end of the Court's 9:30 motion  
calendar, Mr. Errez appeared, without prior notice to the Court or to  
anyone else, and requested an extension of time to respond to the  
debtor's motion. Inasmuch as the request was made after the Order was

1 entered and was not in compliance with the Court's motion or notice  
2 rules, it was denied.

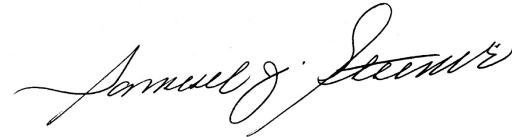
3 The motion for reconsideration should also be denied for the  
4 following reasons.

5 First, Plan B Development is a LLC which must be presented by an  
6 attorney in a Federal Court proceeding. Inasmuch as Plan B Development  
7 is not represented, it has no standing in the present matter.

8 Second, if this bankruptcy had not been filed by the debtor, there  
9 would be nothing to stop it from proceeding with the entry of the award.

10 Third, no reason has been set forth as to why an extension should  
11 be granted or why the Order of August 20, 2008, should not have been  
12 entered.

13 DATED: August 28, 2008



14  
15 UNITED STATES BANKRUPTCY JUDGE  
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